

415-20/TMC/EJM

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AET Inc. Ltd., in personam and the
MV EAGLE TURIN, in rem
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERIN F. MURRAY as Executrix and
Personal Representative of the
Estate of TIMOTHY M. MURRAY,

Civil No. 1:21 Civ. 03360 (TMR)

Plaintiff(s),
-against-

AET INC. LTD. *in personam* and the
MV EAGLE TURIN, *in rem*,

**THIRD PARTY-PLAINTIFF'S
ANSWER TO
THIRD-PARTY DEFENDANTS'
COUNTERCLAIM**

Defendant and
Third-Party Plaintiff,

-against-

United New York Sandy Hook Pilots' Association;
United New Jersey Sandy Hook Pilots' Association;
United New Jersey Sandy Hook Pilots' Benevolent
Association; United New York Sandy Hook Pilots'
Benevolent Association; Pilot vessel NEW JERSEY
in rem, Pilot Launch AMERICA *in rem*,

Third-Party Defendants.

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Defendant and Third Party Plaintiff, AET INC. LTD., by and through its attorneys,
Freehill, Hogan & Mahar, LLP, as and for its answer to Third-Party Defendants, United New York
Sandy Hook Pilots' Association; United New Jersey Sandy Hook Pilots' Association; United New

Jersey Sandy Hook Pilots' Benevolent Association; United New York Sandy Hook Pilots' Benevolent Association¹; Pilot vessel NEW JERSEY *in rem* her engines, tackle and equipment, Pilot Launch AMERICA *in rem* her engines, tackle and equipment, (collectively "SANDY HOOK PILOTS' ASSOCIATION" or "SHPA") Counterclaim, allege upon information and belief as follows:

1. Paragraph 70 of the Third Party Counterclaim is a repetition of Third Party Defendants' responses to the Third Party Complaint, and does not require a response.
2. Defendant AET INC. LTD., denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 71 of the Counterclaim.
3. Defendant AET INC. LTD., denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 72 of the Counterclaim.
4. Defendant AET INC. LTD., denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 73 of the Counterclaim.
5. Defendant AET INC. LTD., denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 74 of the Counterclaim.
6. Defendant AET INC. LTD., denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 75 of the Counterclaim.
7. Defendant AET INC. LTD., denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 76 of the Counterclaim.
8. Defendant AET INC. LTD., admits that Third Party Defendants' counterclaim against AET is an admiralty and maritime claim within the meaning of Fed. R. Civ. P. 9(h) and

¹ The names of the entities herein are styled as set forth in the Third-Party Defendants' Answer to Verified Third-Party Complaint with Counterclaim. Dkt. #55.

14(c), but except as so admitted denies the remaining allegations contained in paragraph 77 of the Counterclaim.

9. Defendant AET INC. LTD. admits that it had an ownership interest in the vessel EAGLE TURIN (IMO 9360465) on August 5, 2020 when Capt. Murray fell while boarding the vessel, but denies that it presently has any interest in the vessel, and except as admitted denies the remaining allegations contained in paragraph 78 of the Counterclaim.

10. AET INC. LTD admits that it is foreign corporation formed under the laws of Bermuda with its registered office in Bermuda and a business office located at 1900 West Loop South, Suite 920, Houston, Texas 77027, but except as so admitted denies the remaining allegations contained in paragraph 79 of the Counterclaim.

11. AET INC. LTD admits that it has been engaged in the business of transporting bulk liquids by sea including but not limited to calls at ports in the U.S., but except as so admitted denies the remaining allegations contained in paragraph 80 of the Counterclaim.

12. AET INC. LTD admits that it commercially managed and controlled the vessel EAGLE TURIN (IMO 9360465) on August 5, 2020 when Capt. Murray fell while boarding the vessel, but except as so admitted denies the remaining allegations contained in paragraph 81 of the Counterclaim.

13. AET INC. LTD admits that it had an ownership interest in, and commercially managed and controlled, the vessel EAGLE TURIN (IMO 9360465) on August 5, 2020 when Capt. Murray fell while boarding the vessel, but except as so admitted denies the remaining allegations contained in paragraph 81 of the Counterclaim.

14. AET INC. LTD. denies the allegations contained in paragraph 83 of the counterclaim.

15. AET INC. LTD. denies the allegations contained in paragraph 84 of the counterclaim.

16. AET INC. LTD. denies the allegations contained in paragraph 85 of the counterclaim.

17. AET INC. LTD. denies the allegations contained in paragraph 86 of the counterclaim and repeats its responses to the allegations of Plaintiff's Second Amended Complaint as if set forth fully herein.

18. AET INC. LTD. denies the allegations contained in paragraph 87 of the counterclaim.

19. AET INC. LTD. denies the allegations contained in paragraph 88 of the counterclaim.

20. AET INC. LTD. denies the allegations contained in paragraph 89 of the counterclaim.

FIRST AFFIRMATIVE DEFENSE

21. The Counterclaim, or parts of it, fail to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

22. Third Party Defendants-Counterclaimants have not obtained jurisdiction *in rem* over the vessel ex EAGLE TURIN (IMO 9360465).

THIRD AFFIRMATIVE DEFENSE

23. Third Party Defendants-Counterclaimants have no claim for indemnity from AET INC. LTD.

FOURTH AFFIRMATIVE DEFENSE

24. Third Party Defendants-Counterclaimants have failed to allege that Defendant AET INC. LTD. owed them any duty at law, in equity, or in admiralty.

WHEREFORE, Plaintiffs demand that SHPA's Counterclaim be dismissed with costs against AET INC. LTD. and for such other, further, and different relief as the Court deems just and proper.

Dated: New York, NY
March 22, 2023

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By:



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